

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TONY HARDY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CV1 HEA
)	
CORRECTIONAL MEDICAL)	
SERVICES, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court for review of plaintiff's amended complaint under 28 U.S.C. § 1915(e). Pursuant to § 1915(e), the Court is compelled to dismiss a complaint filed in forma pauperis if the allegations are frivolous, malicious, or fail to state a claim upon which relief can be granted.

After reviewing the amended complaint, the Court finds that the case survives initial review as to defendants Angela Chandler, Rosalie Shackelford, Jennifer James, Unknown Long, and Unknown Bessey. The complaint fails to state a claim against defendant Correctional Medical Services because there are no allegations that Correctional Medical Services had a policy or custom that caused an actionable injury to plaintiff. See Sanders v. Sears Roebuck & Co., 984 F.2d 972, 975-76 (8th Cir.

1993). As a result, the Court will dismiss Correctional Medical Services from this action.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to file an amended complaint [Doc. 7] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue upon the complaint as to defendants Angela Chandler, Rosalie Shackelford, Jennifer James, Unknown Long, and Unknown Bessey.

IT IS FURTHER ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), defendants Angela Chandler, Rosalie Shackelford, Jennifer James, Unknown Long, and Unknown Bessey shall reply to plaintiff's claims within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint as to defendant Correctional Medical Services because, as to this defendant, the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

IT IS FURTHER ORDERED that this case is assigned to Track 5B: Prisoner Standard.

An appropriate Order of Partial Dismissal shall accompany this Memorandum and Order.

Dated this 26th day of April, 2012.

A handwritten signature in cursive script, reading "Henry Edward Autrey", positioned above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE